

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

[illegible]

PLAINTIFFS' MOTION FOR LEAVE TO PROCEED USING PSEUDONYMS

AND NOW come the Plaintiffs, Freedom From Religion Foundation, Inc. (“FFRF”), Doe 4, and Doe 5, by and through their attorneys, Marcus B. Schneider, Esquire and STEELE SCHNEIDER, and file the within Motion for Leave to Proceed Using Pseudonyms (“Motion for Leave”) and in support thereof aver as follows:

1. Plaintiffs filed the complaint in this case on September 14, 2012.
2. This case involves allegations by the Plaintiffs that Defendants have violated the Establishment Clause of the First Amendment and the constitutional rights of the Plaintiffs.
3. Plaintiffs have brought claims under 42 U.S.C. § 1983.
4. Plaintiffs request permission to proceed pseudonymously based upon the nature of the claims in this case, the fact that minors are involved, and the Plaintiffs' reasonable concerns, based in part upon public comments that have already been made, that Plaintiffs will be the victims of harassment, injury in the community,

and other serious harm if their identities are known to the public. The basis for Plaintiffs' concerns is set forth more fully in the Memorandum in Support filed contemporaneously with this Motion for Leave.

5. As argued in the Memorandum in Support, based upon an analysis of Plaintiffs' Motion for Leave under the framework established by the court in *Doe v. Provident Life & Acc. Ins. Co.*, 176 F.R.D. 464, 467 (E.D. Pa. 1997), which framework was later adopted by the Third Circuit Court of Appeals (*See Doe v. Megless*, 654 F.3d 404, 408-409 (3rd Cir. 2011)), the Doe Plaintiffs' request that they be permitted to proceed using pseudonyms should be granted.
6. In order to effectuate the protection of the identities of the Doe Plaintiffs and contemporaneously with the filing of this Motion, Plaintiffs and Defendant have jointly filed a Joint Motion for Protective Order and a proposed Consented Protective Order accompanying that motion.

WHEREFORE, Plaintiffs request this Honorable Court grant their Motion for Leave to Proceed Using Pseudonyms.

Respectfully submitted,

/s/ Marcus B. Schneider, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2013, the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO PROCEED USING PSEUDONYMS** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic case filing system and constitutes service of this filing under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

/s/ Marcus B. Schneider, Esquire
Marcus B. Schneider, Esquire